

**KENTON COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
Minutes

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, March 3, 2011, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

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<b>Member</b>	<b>Jurisdiction</b>	<b>J a n</b>	<b>F e b</b>	<b>M a r</b>	<b>A p r</b>	<b>M a y</b>	<b>J u n</b>	<b>J u l</b>	<b>A u g</b>	<b>S e p</b>	<b>O c t</b>	<b>N o v</b>	<b>D e c</b>	
Mark Barnett	Taylor Mill	X	X											
Ms. Brown	Erlanger	X	X	X										
Barbara Carlin	Kenton Co	X	X	X										
Barry Coates	Covington	X	X	X										
James Cook	Kenton Co	<b>X</b>	X	X										
Ron Cook	Elsmere			X										
Paul Darpel, Chair	Edgewood	X	X	X										
Chuck Eilerman	Covington	X	X	X										
Tom France, V.Chair	Ludlow	<b>X</b>		X										
David Hilgefard	Villa Hills	X		X										
Lynne Hood	Crestview Hills	<b>X</b>	X	X										
Marc Hult	Covington	<b>X</b>	X	X										
Mark Hushebeck	Lakeside Park	<b>X</b>	X	X										
Dan Ruh, Treasurer	Fort Wright	X	X	X										
Mark Rogge	Crescent Spgs	X	X	X										
Shad Sletto	Fort Mitchell	X	X	X										
Maura Snyder	Independence	X	X	X										
Joe Tewes	Bromley	X	X	X										
Melissa Worstell	Park Hills		X	X										

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.  
 “\*” denotes arrival after roll call was taken.

Also present were Matt Smith, Legal Counsel, and the following NKAPC staff: Martin Scribner, AICP, Deputy Director for Current Planning, Mr. Andy Videckovich, Principal Planner.

Mr. Darpel presented Mr. John Wells with a plaque and thanked him for his service from 2003-2010 and his dedication to his community, the commission and the county. Mr. France then recognized Mr. Phil Ryan for his service to the commission and presented him with a plaque for his dedication to his community the past eight years.

**AGENDA:**

Ms. Snyder made the motion to approve. Ms. Worstell seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Worstell, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefard, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto and Mr. Tewes in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

Mr. Scribner noted there were a couple changes that needed to be made with the minutes as far as attendance and those were changed and new minutes were left at the commissioner's seats. Mr. Sletto noted additional changes, specifically on page six the second sentence and page 7 the voting was corrected on the sign ordinance in Independence. He additionally noted on the Executive Committee comments he made a change about the bonds and costs of the repairs. There being no further corrections or comments, Mr. Snyder made a motion to accept the minutes as amended. Ms. Hood seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefard, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Mr. Tewes and Ms. Worstell in favor. The motion carried.

**RECEIPTS AND EXPENDITURES:**

There were no questions or comments. Ms. Brown then made the motion to accept with Mr. Eilerman giving the second. A roll call vote on the matter found Ms. Brown, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. France, Mr. Mr. France noted we are at half of the fiscal year and we are right on track for our numbers and noted we are in good shape. Mr. Eilerman then made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. France, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hilgefard, Ms. Hood, Mr. Hult, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Mr. Tewes and Ms. Worstell in favor. The motion carried.

**ACTIONS SINCE LAST MEETING:**

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only. There were no questions or comments.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

**2027R**

**APPLICANT:** City of Independence per Patricia H. Taney, City Clerk

**REQUEST:** a proposed text amendment to the Independence Zoning Ordinance adding pawn shops to the list of permitted uses within the RC-2 (Rural Commercial-Two) Zone.

Staff presentation and Staff recommendations by Mr. Andy Videckovich.

**NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed text amendment to the Independence Zoning Ordinance adding pawn shops to the list of permitted uses within the RC-2 (Rural Commercial) Zone.

No one registered to speak in favor, against or neutral on the issue. The meeting was then recessed for discussion. Mt. Hult commented that he was struck by the fact the minimum lot size is 10,000 feet Mr. Hilgefjord commented that he didn't think of pawn shops for a rural commercial zone. He noted he didn't see where it was necessary to place pawn shops in a rural commercial zone. There were no further comments. The public hearing was then closed. A motion was then made by Ms. Snyder to approve based on Staff's recommendations. Mr. Rogge seconded the motion. A roll call vote on the matter Ms. Snyder, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Ruh, Mr. Sletto, Mr. Tewes and Ms. Worstell in favor. Mr. Hilgefjord voted against. The motion passed.

**2028R**

**APPLICANT:** Kenton County Fiscal Court per Mark Kreimborg, Deputy Judge/Executive

**REQUEST:** proposed text amendments to the Kenton County Zoning Ordinance adding provisions for farmers markets and agri-tourism to the A-1 (Agriculture-One) and the A-2 (Agriculture-Two) Zones.

Staff presentation and Staff recommendations by Mr. Andy Videckovich.

**NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed text amendments adding provisions for Farmers Markets and Agri-Tourism to the A-1 (Agriculture-One) and the A-2 (Agriculture-Two) Zones

Mr. George Heeger addressed the Commission and thanked Staff for working with the people and stated they did a fine job. He asked the Commission for approval to assist the farmers in the southern end of the city. He stated this is needed for the area.

Mr. Willenwebber addressed the Commission and stated she would like to see roadside marketing. She noted she is doing a pilot program with the University of Kentucky to grow 250 mums and she stated she would like to have a way to bring them to the public without being damaged. Mr. Videckovich stated this is already allowed as a permitted use.

The public hearing was then recessed for discussion. Mr. Cook stated this should have been done 20 years ago. Mr. France stated there is a need for this to provide various products. Mr. Darpel commented that Staff did a great job. The public hearing was then closed. A motion was then made by Ms. Worstell to approve based on Staff's recommendation. She also made the recommendation that the minimum setback read a minimum setback from the nearest non-participating participant of 200 feet. Mr. Hult seconded the motion. A roll call vote on the matter found Ms. Worstell, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefjord, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder and Mr. Tewes in favor.

\*Mr. Darpel recused himself from the following issue due to a conflict of interest. As such, Mr. France then chaired the meeting with regard to this issue only.

**2029R**

**APPLICANT:** Riegler Engineering, LLC, per James L. Elliott, PLS, on behalf of Dickman's Sports Cafe

**LOCATION:** an approximate 3.8-acre area located on the south side of Orphanage road between Horsebranch Road and Valley Plaza Drive, approximately 2,000 feet east of Horsebranch Road in Fort Wright

**REQUEST:** review of a Stage I Development Plan for the described area which is currently zoned HOC (a highway-oriented commercial zone).

Staff presentations and Staff recommendations by Mr. Martin Scribner

**NKAPC STAFF RECOMMENDATIONS:**

To approve the submitted Stage I Development Plan, subject to the following conditions:

1. That the relocated lighting not glare onto any street or into any adjacent property;
2. That a landscaping plan be prepared and submitted with the Stage II Development Plan;
3. That the proposed optional motorcycle parking area and outdoor dining area meet the noise requirements of the HOC Zone; and
4. That the proposed freestanding sign meet the minimum requirements of the HOC Zone.

Mr. James Elliot addressed the Commission and stated they met with Staff several weeks ago working on a continuance of the Stage II Plan. He stated through conversations they felt the outdoor seating plan would trigger them to go back to a Stage I plan. He then stated there are accommodations for about 50 people in the back. He stated Mr. Dickman is trying to complete the project he has been working on and to improve the area as well as complete the paving. He additionally noted he is trying to accommodate patrons that are requesting outdoor seating and anticipating changes with smoking regulations. It was further noted that Mr. Dickman stated part of the effort is to also provide some motorcycle parking. He further stated this plan actually does provide for some detention, additional piping and underground detention to handle the volume. He noted their Stage II Plan will provide for those calculations. He additionally noted the outdoor area will be fenced in with a decorative fence of some sort to separate it and possibly a privacy fence. He additionally stated Mr. Dickman is not planning to have outdoor entertainment but may have some piped in music to enhance the dining area. He stated they feel they have a plan that completes the paving project and the outdoor seating is a real improvement. He noted the plan calls for 165 parking spaces which is within code limits. It was additionally noted there are no plans to make any changes to the bridge. He also noted they will not be doing any new grading other than replacing deteriorating paving. He stated they are leaving the existing slopes and berms untouched.

Mr. Dickman addressed the Commission and stated he is available to answer any questions. He noted the main change is the original plan called for clearing the tree line along the creek. He stated the new plan leaves that tree line in place for the neighbors and for them. He stated this outdoor dining will allow him to change along with their new business plan that calls for more outdoor dining.

Mr. Holtcamp addressed the Commission and stated the volleyball court is even with his window and the noise from there comes directly at his front window. He stated when he asked Mr. Dickman what he intended to do with the back of his property he said whatever he wants to. He stated the noise is so loud he cannot open his windows, he cannot sit on his porch and cannot enjoy his patio due to the noise. He then stated there are requirements as to noise within 500 feet and the noise is constant. He noted no one should have to live like this. He additionally noted the fire department has been to his property twice due to occupancy violations. Mr. Ron Cook asked how far his property is from Mr. Dickman's. Mr. Holtcamp

then stated it is 250 feet away. Mr. Hilgeford stated Mr. Dickman came before the Commission with changes and it was denied previously due to noise. He stated he is trying to be fair to both sides but he doesn't think this is a major change in the front. Mr. Holtcamp then stated he thinks 50 people in the front yard is a major change.

Mr. Elliot addressed the Commission in rebuttal and stated Mr. Dickman has never had violations for being over occupancy guidelines.

The public hearing was then recessed for discussion. Mr. Eilerman then asked about the 500 foot noise regulation in the zone and questioned what that means in terms of Staff recommendations. Mr. Scribner stated basically he doesn't feel Staff is the one to determine the level of objectionable noise levels as the zone alludes to. Mr. Rogge stated noise is something that can be measured. Mr. Scribner stated there are no numbers attached to the noise levels and that the zone just refers to "objectionable" noise levels. The public hearing was then closed. Mr. Sletto then made the motion to approve based on Staff's report and to include specifically the requirement in item "c" and "l". Mr. Ruh seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Ruh, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Ms. Snyder, Mr. Tewes and Ms. Worstell in favor. Mr. Darpel recused himself from the issue. The motion carried.

#### **Unfinished Business:**

Mr. Darpel noted that everyone is invited to the individual committee meetings,, not just those on the committees.

#### **Reports from Committees:**

*By-Laws* – Nothing to report.

*Executive* – Met with Mr. Keith Logsdon to start the Comprehensive Plan Update. Will attempt to find five commissioners to serve on a task force.

*2020 Sourcebook (model zoning ordinance)* – Mark Barnett – Chair - Nothing to report.

*Subdivision Regulations* – Jim Cook – Chair - Nothing to report.

*Report from legal counsel* – Mr. Smith referenced a 2006 case that is being dismissed.

*Announcements from Staff* – Mr. Scribner stated with regard to the open records law a copy has been distributed to every commissioner. He asked if everyone could review it and sign it and then get it back to him. He also noted there is a continuing education credit for the Municipal Arborist Training program that needed approval. Mr. Hilgeford then made the motion to approve. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder, Mr. Tewes and Ms. Worstell. The motion carried. Mr. Scribner stated there was a second continuing education credit to be approved with regard to the National Alliance for Preservation Commissions. Mr. Eilerman made the motion to approve with Mr. France seconding the motion. A roll call vote on the matter found Mr. Eilerman, Mr. France, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder, Mr. Tewes and Ms. Worstell in favor. The motion carried.

*Correspondence:* None.

***New Business:*** - Mr. Darpel stated the National Convention is coming up in April in Boston. He stated there are funds set aside that the NKAPC are providing for some to attend. There is also the spring conference for the Kentucky Chapter in May. He asked if anyone wishes to attend either of those to let him know as soon as possible. Mr. Darpel also noted the handout referencing a web site about emerging trends in real estate. He stated if anyone wants a copy of that or the link to the full document that Keith will be sending out an email with that information.

***Public Comments:*** None.

There being nothing further to come before the commission Ms. Snyder made a motion to adjourn. Mr. France seconded the motion. All in favor. None opposed. The meeting then adjourned at 8:40 p.m.

APPROVED:

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Chair

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Date